

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

COMMODITY FUTURES TRADING)	Civil Action No.: 4:04-23302-25
COMMISSION,)	
)	
Plaintiff,)	
)	
)	
v.)	Written Opinion and Order
)	
GEORGE HEFFERNAN,)	
a/k/a GEORGE W. MARSHALL,)	
)	
Defendant.)	
)	

In this case, plaintiff Commodity Futures Trading Commission (“Commission”) has filed a Complaint against defendant George Heffernan (“Heffernan”) for injunctive and other equitable relief pursuant the Commodity Exchange Act, as amended (“Act”), 7 U.S.C. § 13a-1 (2002). Thereafter, the parties filed multiple motions in this case. In particular, the following motions presently remain pending before this Court: (i) defendant’s motion to extend the accounting deadline (Doc. # 18); (ii) defendant’s motion to exclude clients of Index Analysis Service from the January 11, 2005, Order of preliminary injunction and other equitable relief (Doc. # 20); (iii) defendant’s motion for a preliminary injunction and permanent injunction (Doc. # 21); (iv) defendant’s motion to release Index Analysis Service Checking Account (Doc. # 25); (v) defendant’s motion to release subscriber’s funds (Doc. # 26); (vi) defendant’s motion for extension of time on the additional request for accounting of assets (Doc. # 27); and (vii) defendant’s motion to not release client information of Index Analysis Service (Doc. # 28).

This matter now comes before the undersigned for review of the Report and Recommendation (“the Report”) filed by United States Magistrate Judge Thomas E. Rogers, III, to whom this case had previously been assigned. In his Report, Magistrate Judge Rogers recommends that the defendant’s motion to exclude clients of Index Analysis Service from the January 11, 2005, Order of preliminary injunction and other equitable relief (Doc. # 20), defendant’s motion for a preliminary injunction and permanent injunction (Doc. # 21), defendant’s motion to release Index Analysis Service Checking Account (Doc. # 25), defendant’s motion to release subscriber’s funds (Doc. # 26), and defendant’s motion to not release client information of Index Analysis Service (Doc. # 28), be denied. As well, Magistrate Judge Rogers also recommends that the defendant’s motion to extend the accounting deadline (Doc. # 18) and the defendant’s motion for extension of time on the additional request for accounting of assets (Doc. # 27) be granted. Importantly, no party has filed objections to the Report.

This Court is charged with conducting a *de novo* review of any portion of the Magistrate Judge’s Report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636. As noted above, no objections have been filed to the Report. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

A *de novo* review of the record indicates that the Report accurately summarizes this case and the applicable law. For the reasons articulated by the Magistrate Judge, it is **ORDERED** that the defendant’s motion to exclude clients of Index Analysis Service from the January 11, 2005, Order of preliminary injunction and other equitable relief (Doc. # 20), defendant’s motion for a preliminary injunction and permanent injunction (Doc. # 21), defendant’s motion to release Index Analysis

Service Checking Account (Doc. # 25), defendant's motion to release subscriber's funds (Doc. # 26), and defendant's motion to not release client information of Index Analysis Service (Doc. # 28), are **DENIED**. The defendant's motions to extend the accounting deadline (Doc. # 18) and for an extension of time on the additional request for accounting of assets (Doc. # 27) are **GRANTED**.

IT IS SO ORDERED.

s/ Terry L. Wooten
Terry L. Wooten
United States District Court Judge

May 26, 2005
Florence, South Carolina